

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Soumoff on 11/3/07.

The application has been amended as follows:

- A) Claim 119, change the dependency from "117" to - - 118 - -.
- B) Claim 138, change the dependency from "107" to - - 108 - -.
- C) Specification, page 1, delete lines 6-10, and replace with the following - - This application is a national stage application, filed under 35 U.S.C. 371, of PCT/US00/11040, filed April 24, 2000. - -

### ***Drawings***

The drawings were received on 11/2/07. These drawings are approved.

The following is an examiners statement of reasons for allowance: the prior art of record fails to teach or suggest a device comprising a substrate comprising at least one well having a pit with an enucleation penetration member in the form of an emitter connected to a source of electromagnetic signals or vibrational energy, the well further comprising a pit capable of holding a nucleus.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Redding whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ David Redding /  
Primary Examiner  
Art Unit 3723

DAR